

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

RECEIVED

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CARL V. MARSHALL, #110574
PLAINTIFF

V.

RICHARD ALLEN, et al.,
DEFENDANTS

2007 FEB 22 A 9:24 2007 FEB 13 A 10:02

CIVIL ACTION NO. 2:06-CV-1131-MHT

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MOTION AND AFFIDAVIT TO SUPPORT MOTION TO FILE
OBJECTION AND ANSWER TO SUMMARY RECOMMENDATION

COMES NOW THE PLAINTIFF IN THE ABOVE STYLED CAUSE,
AND FILE THIS, AN ANSWER TO SAME, AND RESPECTFULLY REQUEST
THAT AMERICAN COMMISSARY SUPPLY CO, INC. NOT BE DISMISSED AS
A DEFENDANT AND/OR PARTY TO THIS CAUSE OF ACTION, IN THAT DUE TO
STATEMENTS MADE BY CAPT. JOSEPH WOMBLE,

THAT CAPT. WOMBLE OPENED THE DOOR TO INCLUDE THE SUPPLE
COMPANY WHEN HE STATED THAT "AMERICAN SUPPLY CO. WROTE THE
GUIDELINES GOVERNING SAID PACKAGES", FOR THE STATE DEPT. OF COR-
RECTIONS.

THAT AMERICAN SUPPLY CO. VIOLATED CONSTITUTIONAL RIGHTS
14TH, 5TH AND 7TH AMENDMENT; CAPT. WOMBLE AND COMMISSIONER ALLEN,
MADE THE LAW THAT ABRIDGE THE STATE AND AMERICAN COMMISSARY.

THAT AMERICAN COMMISSARY DID RECIEVE FUNDS FOR SAID
PACKAGE; AFTER BEING NOTIFIED BY CAPT. WOMBLE NOT TO SEND THE
PACKAGE, THE PACKAGE WAS SENT, RETURNED, AND AMERICAN Comm-
ISSARY HAS KEPT THE FULL AMOUNT; AND TO THIS DATE HAS
NOT RETURNED SAID FUNDS AND CONTINUES TO HOLD FUNDS
IN DEPOSITS AND COLLECT INTREST, A BLATANT ACT OF
CONVERTING, PERSONAL PROPERTY TO PRIVATE USE.

FURTHER PLAINTIFF DOES NOT HAVE FULL BENEFIT OF LEGAL MATERIAL, CODES, ECT. TO PROPERLY AND/OR FULLY ADDRESS APPLICABLE USC § AS OUTLINED IN ORIGINAL COMPLAINT.

THE ACTION CAN ONLY BE FULLY ADDRESSED UPON ACCESS TO SUCH FEDERAL CODES OR THE COURTS APPOINTMENT OF COUNSEL;

TOO THAT THE CONFISCATION OF PACKAGE DID OCCUR DUE TO ACTIONS BY THE SUPPLY COMPANY.


IF THE PACKAGE WAS NOT SENT (AS CAPT. WOMBLE STATED HE TOLD THE NOT TO), IT WOULD NOT HAVE NOT BEEN CONFISCATED; I WAS THE ONE TO UNLOAD THE TRUCK, AND SAW IT, AND WAS LATER CALLED TO THE OFFICE TO PICK IT UP.

OATH OF AFFIRMATION

I SWEAR UNDER PENALTY OF PERJURY THAT THE STATEMENT(S) IN THIS CASE MADE ARE TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE:

DONE THIS THE 9TH DAY OF FEBRUARY 2007

RESPECTFULLY SUBMITTED

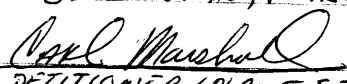

CARL MARSHALL

PLAINTIFF

FILED:

DECLARATION OF SERVICE:

EXECUTED BY U.S. MAIL TO DEFENDANTS, AMERICAN COMMISSARY CO. P.O. BOX 3026 AL RUSSELLVILLE, ARK. 72811-3026, AND KIM THOMAS, ATTORNEY FOR ALABAMA DEPT. OF CORRECTIONS 301 S. RIPLEY ST. MONTGOMERY, AL 36130, A TRUE

PAGE 2 of 2 COPY OF THIS ACTION: THIS 16TH DAY OF FEB. 2007: 
PETITIONER/PLAINTIFF

Filed 02/22/24

MONTGOMERY AL 361
21 FEB 2007 PM 1 T

Office of the Clerk
United States District Court
P.O. Box 711
Montgomery, al. 36101-0711

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